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January 15, 2004

BY EMAIL AND UPS

Ms. Mary L. Cottrell, Secretary
Department of Telecommunications and Energy
Commonwealth of Massachusetts
One South Station, 2nd Floor
Boston, Massachusetts 02110

Re: DTE 03-60 - Proceeding By The Department Of Telecommunications And Energy On Its
Own Motion To Implement The Requirements Of The Federal Communications
Commission's Triennial Review Order Regarding Switching For Mass Market Customers

Dear Secretary Cottrell:

Enclosed please find an original and nine (9) copies of the Joint Parties' Second Information Requests to Verizon New England Inc. in the above-referenced proceeding. Enclosed please also find a duplicate of this filing and a self-addressed, postage-paid envelope. Please date stamp the duplicate upon receipt and return it in the envelope provided.

Please feel free to contact the undersigned counsel at (202) 887-1211 if you have any questions regarding this filing.

Respectfully submitted,



Brett Heather Freedson

Counsel to the Joint Parties (Broadview Networks, Inc.,
Bullseye Telecom, InfoHighway Communications
Corporation, McGraw Communications, Inc., and
Metropolitan Telecommunications, Inc.)

cc: Service List (by electronic mail)
Bruce Beausejour, Verizon (by electronic mail and UPS)

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

**Investigation by the Department of Telecommunications
and Energy on its own Motion to Implement the
Requirements of the Federal Communications Commission's
Triennial Review Order Regarding Switching
for Mass Market Customers**

D.T.E. 03-60

**JOINT PARTIES' SECOND SET OF INFORMATION REQUESTS
TO VERIZON NEW ENGLAND INC.**

Broadview Networks, Inc., BullsEye Telecom, InfoHighway Communications Corporation, McGraw Communications, Inc., and Metropolitan Telecommunications, Inc. (the "Joint Parties") hereby propound the following Information Requests to Verizon New England Inc. ("Verizon") to be answered by those officers, employees or agents of Verizon, or its affiliates or parent companies, who may be cognizant of the requested information and who are authorized to Verizon's behalf. Responses to these requests shall be served in accordance with the procedural schedule adopted by the Massachusetts Department of Telecommunications and Energy ("Department").

INSTRUCTIONS

Please answer each question separately and in the order that it is asked. The number of the answers should correspond to the number of the Information Request being answered. Please copy each question immediately before the answer. Following each answer, please identify the person or persons responsible for the answer, and indicate the person or witness who provided responsive information or documents, and where applicable, the witness who will sponsor the answer in testimony.

In response to any Information Request seeking the production of documents, please produce all responsive documents for inspection and copying, unaltered and/or unredacted, as they are kept in the usual course of business. Such documents should be organized and labeled to correspond to the categories set forth in the Information Request. If the requested documents are kept in an electronic format, you shall produce the requested documents in such format. If any part of a document is responsive to any request, the whole document is to be produced. If there has been any alteration, modification or addition to a document (whether in paper form or electronic), including any marginal notes, handwritten notes, underlining, date stamps, received stamps, attachments, distribution lists, drafts, revisions or redlines, each such alteration, modification or addition is to be considered as a separate document and therefore must be produced.

In response to any Information Requests seeking identification of documents or other items, information or materials for disclosure, please identify the document(s) or other item(s), information or material(s) in sufficient detail so that they can be produced in response to a separate Information Request. Such identification shall contain the number (and subpart, if applicable) of the Information Request seeking such identification, and the page count or description of the document or item. Additionally, to the extent known, the listing shall include the author, publisher, title, date, and any "Bates" or other sequential production numbering for the document or item. When responding to any request for production of documents, please produce copies of all documents, other items, information or materials that were identified in response to a request or directive to "identify for disclosure" in Joint Parties' Information Requests. For each document or other item, please identify by number (including subpart, if applicable) the Information Request which caused the "identification for disclosure".

Please produce the requested information at the most granular level you possess. If an Information Request seeks information at a level more granular than you possess, please do not object or decline to answer or produce on that basis, but rather state that you do not possess information the level indicated, and produce the information requested at the most granular level that you possess. The Joint Parties are not asking for the creation of new data, but are seeking all available data for the specific categories and sub-categories described.

Please produce all information requested on any table by filling in the table provided in these Information Requests. If additional explanation is required, please copy the question and provide your response below.

If you are unable to respond fully and completely to a request for production of documents, explain the reasons why you are unable to do so. The terms defined herein and the individual Information Requests should be construed broadly, to the fullest extent of their meaning, in a good faith effort to comply with all applicable rules.

These Information Requests are directed to all documents and information in your possession, custody or control. A document is deemed to be in your possession, custody or control if you have possession of the document, have the right to secure such document or communication from another person having possession thereof, or the document or communication is reasonably available to you, including those documents or communications in the custody or control of your company's present employees, attorneys, agents or other persons acting on its behalf, and its affiliates. In response to requests for production of documents contained in these Information Requests, you shall produce the documents, including all appendices, exhibits, schedules and attachments, that are most relevant to the request.

If you are unable to produce a document or information based on a claim that the document is not in your possession, custody or control, state the whereabouts of such document or information when it was last in your possession, custody or control, and provide a detailed description of the reason that the document is no longer in your possession, custody or control, and the manner in which it was removed from your possession, custody or control.

These Information Requests are continuing in nature, and should there be a change in circumstances that would modify or change an answer you have supplied, then in such case, you should change or modify such answer and submit such changes to the answer as a supplement to the original answer. Further, should a subsequent version(s) of a document be created or exist after the date of these Information Requests, such version(s) must be produced. Where prior versions or drafts of documents exist, please produce all such documents in your possession, custody or control.

The Joint Parties request that you answer these Information Requests under oath, or stipulate in writing that your Information Request responses can be treated exactly as if they were filed under oath.

If you claim a privilege, or otherwise decline to produce or provide any document or information responsive to one or more Information Requests, then in addition to, and not in lieu of, any procedure that you must follow under law to preserve your objection(s) and/or privilege(s), within the time allowed for responding to these Information Requests, the attorney asserting the privilege shall:

- a. identify in the objection to the Information Request, or sub-part thereof; the detailed reasons for your claim of privilege or other basis for

protecting the document or information from disclosure; and the nature of the privilege (including work product) that is being claimed; and

b. provide the following information in the objection, unless divulgence of such information would cause disclosure of the allegedly privileged information:

- (i) for documents: (1) the type of document; (2) subject matter of the document; (3) the date of the document; (4) the number of pages in the document; (5) the location or custodian of the document; (6) such other information as is sufficient to identify the document for a subpoena *duces tecum*, including, where the document is available, the names(s), address(es) and telephone number of the author(s) of the document and all recipient(s), and, where not apparent, the relationship of the author and addressee to each other;
- (ii) for oral communications: (1) the name(s), address(es) and phone number(s) of the person making the communication and the name(s), address(es) and phone number(s) of the persons present while the communication was made; (2) the relationship of the person(s) present to the person(s) making the communication; (3) the date and place of each communication; (4) the general subject matter of the communication.

In the event that any requested information is considered by you to be confidential, the attorney asserting such confidential status shall inform the Joint Parties of this designation as soon as he or she becomes aware of it, but in any event, prior to the time that the

responses to these Information Requests are due, to discuss or attempt to negotiate a compromise. However, confidential documents should be produced pursuant to the Protective Order executed in this proceeding.

Answers to these Information Requests are to be provided within the time period set forth by the Department. Service of responses, and all notifications, shall be made in person or by facsimile or email to:

Genevieve Morelli
Michael B. Hazzard
Brett Heather Freedson
Kelley Drye & Warren LLP
1200 19th Street, N.W., Suite 500
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DEFINITIONS

1. The term “analog” refers to electrical signals representing sound or data which are transmitted in a linear, non-digital format.
2. The terms “and” and “or” as used herein shall be construed as both conjunctive and disjunctive.
3. The term “any” shall be construed to include “all,” and “all” shall be construed to include “any.”
4. The term “business end user” refers to an end user customer entity that purchases voice or data services, typically supported on multiple loops, to support a commercial

enterprise. To the extent that your own tariff and/or business practices define this term differently, please use this definition in your response.

5. The acronym “CLEC” refers to competitive local exchange carriers.

6. The acronym “CLLI” refers to common language location identifier, a multi-character code generally composed of numerals and letters that provides a unique identifier for circuit switches used by ILECs and CLECs.

7. The acronym “CO” refers to central office, the single physical ILEC building that houses one or more Class 5/end office ILEC switch(es), and in which end user customers’ loops are cross connected to ILEC switching equipment or CLEC collocation arrangements.

8. The term “communication” includes, without limitation of its generality, correspondence, email, statements, agreements, contracts, reports, white papers, users guides, job aids, discussions, conversations, speeches, meetings, remarks, questions, answers, panel discussions and symposia, whether written or oral. The term includes, without limitation of its generality, both communications and statements which are face-to-face and those which are transmitted by documents or by media such as intercoms, telephones, television, radio, electronic mail or the Internet.

9. The term “cross connect/jumper” refers to a copper pair that connects at the vertical and horizontal sides of the ILEC MDF.

10. The term “customer location” refers to a building or set of connected, contiguous, or adjacent buildings in a common area, used by residential, commercial, and/or

governmental customers that share a primary street address or group of street addresses. It includes multi-unit residential, commercial, and/or governmental premises.

11. The term “customer premises” refers to the physical point at which the end user customer assumes responsibility for telecommunications wiring (i.e., the network interface device (“NID”) for single unit dwellings, and the individual point of demarcation at the end user customer’s unit for multi-unit buildings such as office buildings and apartment buildings).

12. The term “digital” refers to electrical or optical signals representing sound or data which are transmitted in a binary, discontinuous, non-linear format.

13. The term “DLC” refers to Digital Loop Carrier and includes UDLC, IDLC, and NGLDC.

14. The term “document,” as used herein, shall include, without limitation, all written, reported, recorded, magnetic, graphic, photographic matter, however produced or reproduced, which is now, or was at any time, in the possession, custody, or control of your company and its affiliates including, but not limited to, all reports, memoranda, notes (including reports, memoranda, notes of telephone, email or oral conversations and conferences), financial reports, data records, letters, envelopes, telegrams, messages, electronic mail (e-mail), studies, analyses, books, articles, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, accounts, pamphlets, pictures, films, maps, work papers, arithmetical computations, minutes of all communications of any type (including inter- and intra-office communications), purchase orders, invoices, statements of account, questionnaires, surveys, graphs, recordings, video or audio tapes, punch cards, magnetic tapes, discs, data cells, drums, printouts, records of any sort of meeting, invoices, diaries, and other data compilations from which information can

be obtained, including drafts of the foregoing items and copies or reproductions of the foregoing upon which notations and writings have been made which do not appear on the originals.

15. The term “DS-0” refers to a loop or circuit operating at Digital Signal Level Zero, and capable of transmitting information at 64 kilobits per second.

16. The term “DS-0/voice grade” includes all loops or circuits normally used for the provision of a service to transmit human voice alone. In particular, it includes analog circuits and digital circuits capable of transmitting at levels greater than 2400 baud, up to and including 64 kilobits per second.

17. The term “DS-1” refers to Digital Signal Level 1, which has a transport speed of 1.544Mbps, and can be either unchannelized or channelized into 24 voice grade channels.

18. The term “identify” or “identifying” means:

(a) When used in reference to natural persons: (1) full name; (2) last known address and telephone number; (3) whether the person is currently employed by, associated or affiliated with Verizon; (4) that person’s current or former position; and (5) dates of employment, association or affiliation.

(b) When used in reference to a document: (1) its author; (2) actual or intended recipient(s); (3) date of creation; and (4) brief description of its contents.

(c) When used in reference to a communication: (1) whether the communication was oral or written; (2) the identity of the communicator; (3) the person

receiving the communication; and (4) the location of the communicator and the person receiving the information, if the communication was oral.

19. The acronym “IDF” refers to an intermediate distribution frame, a physical frame located between an MDF and (1) an ILEC switch in a central office or wire center over which end user customer loops are transited for connection to the ILEC switch, or (2) a CLEC collocation arrangement.

20. The term “ILEC” refers to an incumbent local exchange carrier, and includes the ILEC’s parent or any subsidiary or affiliate, and all current or former officers, directors, employees, agents, representatives, contractors or consultants of ILEC, as well as any persons or other entities who have acted or purported to act on its behalf.

21. The term “LATA” means “Local Access and Transport Area” as that term is defined in the *Modification of Final Judgment, United States v. Western Elec. Co.*, 552F. Supp. 131 (D.D.C. 1982), *aff’d sub nom., Maryland v. United States*, 460 U.S. 1001 (1983).

22. The term “MSA” refers to a Metropolitan Statistical Area as defined by the US Census Bureau and the Office of Management and Budget.

23. The term “qualifying service” refers to all telecommunications services, whether voice or data, and whether analog or digital, that have ever been offered or provided by an ILEC pursuant to tariff or an interconnection agreement.

24. The acronym “MDF” refers to main distribution frame, a physical frame located in a central office or wire center that connects loops coming from an end user customer

premises to (1) an ILEC switch located in the central office or wire center, and (2) facilities leading to a CLEC collocation arrangement.

25. The past tense includes the present tense and vice-versa.

26. “Relate, mention, reference, or pertain” shall be used to mean documents or communications containing, showing, relating, mentioning, referring or pertaining in any way, directly, or indirectly to, or in legal, logical or factual way connection with, a document request, and includes documents underlying, supporting, now or previously attached or appended to, or used in the preparation of any document called for by such request.

27. The singular form of a word shall be interpreted to include the plural, and the plural form of a word shall be interpreted to include the singular whenever appropriate.

28. The term “residential end user” refers to an end user customer, typically an individual or family, who purchases voice or data services at his, her or their place of residence, or household. To the extent that your own tariff and/or business practices define this term differently, please use this definition in your response.

29. The term “wire center” is synonymous with the term “central office,” and refers to the single physical building that houses one or more Class 5/end office ILEC switch(es) and in which end user customer’s loops are cross connected to the Class 5/end office ILEC switch(es).

30. The term “you,” “your,” “yours,” or “your company” refers to the company responding to these Discovery Requests and its predecessors, parents, successors, subsidiaries, divisions and related or affiliated organizations.

JOINT PARTIES 2-1

Please provide in electronic spreadsheet (Excel) form, separately for each carrier named as a self-provisioning switch trigger candidate, the following information:

- a. The number of in-service, 2-wire analog UNE loops, by wire center identified by CLLI:
 - i. At the end of the most recent one-month period for which such data is available. Please identify the month and year for which such data applies.
 - ii. At the end of the one-month period ending six (6) months prior to one-month period identified in sub-part i. Please identify the month and year for which such data applies.
 - iii. At the end of the one-month period ending twelve (12) months prior to the one-month period identified in sub-part i. Please identify the month and year for which such data applies.
- b. The number of in-service DS-1 UNE loops, by wire center identified by CLLI:
 - i. At the end of the most recent one-month period for which such data is available. Please identify the month and year for which such data applies.
 - ii. At the end of the one-month period ending six (6) months prior to one-month period identified in sub-part i. Please identify the month and year for which such data applies.
 - iii. At the end of the one-month period ending twelve (12) months prior to the one-month period identified in sub-part i. Please identify the month and year for which such data applies.
- c. The number of in-service DS-1 Special Access lines, by wire center identified by CLLI:
 - i. At the end of the most recent one-month period for which such data is available. Please identify the month and year for which such data applies.
 - ii. At the end of the one-month period ending six (6) months prior to one-month period identified in sub-part i. Please identify the month and year for which such data applies.
 - iii. At the end of the one-month period ending twelve (12) months prior to the one-month period identified in sub-part i. Please identify the month and year for which such data applies.